

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE AS TO SPECIFIC
	:	<u>PROPERTY</u>
MUHAMMAD GARCIA,	:	
	:	23 CR 558 (DEH)
Defendant.	:	
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WHEREAS, on or about October 30, 2023, MUHAMMAD GARCIA (the “Defendant”), was charged in Indictment, 23 CR 558 (DEH) (the “Indictment”), with possession of a firearm after a felony conviction, in violation of Title 18, United States Code, Section 922(g)(1) (“Count One”);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code Section 2461(c), of any and all firearms and ammunition involved in or used in the offense charged in Count One, including but not limited to (i) a .380 caliber Ruger pistol and (ii) four Armscor .380 caliber cartridges, and one Federal .380 caliber cartridge;

WHEREAS, on or about April 12, 2024, the Defendant pled guilty to Count One, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One and agreed to forfeit, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code Section 2461(c), (i) a .380 caliber Ruger pistol and (ii) four Armscor .380 caliber cartridges, and one Federal .380 caliber cartridge;

WHEREAS, the Government asserts that (i) a .380 caliber Ruger pistol and (ii) four Armscor .380 caliber cartridges, and one Federal .380 caliber cartridge seized in connection with the arrest on or about September 12, 2023 of the Defendant in New York, New York (the “Specific

Property”) represent firearms and ammunition involved in or used in the offense charged in Count One;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One, to which the Defendant pled guilty, all of the Defendant’s right, title, and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Preliminary Order of Forfeiture as to Specific Property, the United States, or its designee is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site,

www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Tara M. La Morte, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, 26 Federal Plaza, 37th Floor, New York, New York 10278.

Dated: New York, New York
November 22, 2024

SO ORDERED:

A handwritten signature in black ink, appearing to read "Dale E. Ho", is written over a horizontal line.

THE HONORABLE DALE E. HO
UNITED STATES DISTRICT JUDGE